

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) GEORGE COLLINS and)	
(2) ALRIKA COLLINS,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 22-cv-00318-JAR
)	
(1) STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

JOINT STATUS REPORT

JURY DEMANDED: X Yes No

Pursuant to Federal Rules of Civil Procedure 26(f) a meeting was held on January 16, 2023.

Plaintiff appearing by counsel Terry McKeever and Defendant appearing by counsel J. Andrew Brown.

I. Summary of Claims:

Plaintiffs contend that Defendant has unreasonably withheld full payment of insurance benefits owed to them under an insurance policy for property damage sustained during a fire (a covered loss) in January 2021.

They assert breach of contract and the tort of insurance bad faith claims against State Farm. Plaintiffs seek punitive damages with the compensatory damages they sustained.

II. Summary of Defenses:

Defendant State Farm generally and specifically denies the claims by Plaintiff that it breached the underlying insurance contract or acted unreasonably and/or in bad faith in any manner with respect to Plaintiff. Defendant State Farm further asserts its other defenses raised in its Answer filed with this Court. Defendant State Farm also asserts Plaintiff's claim for punitive damages is unconstitutional as addressed in its Answer.

III. Motions Pending: (Please include Docket Number, Title of Pleading, and date filed.)

None at this time.

IV. Are Dispositive Motions Anticipated? If so, describe them.

Yes. Defendant intends to file motion for summary judgment regarding breach of contract, bad faith and punitive damages.

V. Stipulations:

A. Jurisdiction Admitted: X Yes No, Explain:

B. Venue Appropriate: X Yes No, Explain:

C. Facts:

On or about January 11, 2021, a fire occurred at Plaintiff's residence 1312 W. 60th St. North, Muskogee, Oklahoma. At the time of the subject fire, Defendant State Farm Fire and Casualty Company insured Plaintiffs' residence. Plaintiffs' policy provides the following limits:

Coverage A:	Dwelling	\$443,298.00
Coverage B:	Contents	\$303,075.00
Coverage C:	ALE	\$121,230.00

D. Law: Oklahoma State and Federal statutory and common law.

VI. **Fed. R. Civ. P. 26 Discovery Plan:** The parties jointly propose to the Court the following discovery plan: (Use separate paragraphs or subparagraphs as necessary if parties disagree.)

Have initial disclosures under Rule 26(a)(1) been exchanged and filed?

 Yes X No, Explain: To be filed by January 27, 2023.

Note: Plaintiff shall submit a calculation of every category of damages requested.

Note that pursuant to Rule 26 and this Order, all parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the court of any nondisclosure so that the issue can be promptly resolved. Failure of any party to disclose information, or failure of any party to bring disclosure issues to the court's attention in a timely manner, may result in sanctions, including prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).

If applicable, have disclosures pursuant to Fed. R. Civ. P. 7.1 been filed?

 X Yes No, Explain:

Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the court's local rules?

 Yes X No, Explain:

Discovery will be needed on the following subjects:

Should discovery be limited at this time to any particular subject matters or issues?

_____ Yes X No,

Explain:

Phased Discovery requested (If requested, the in-person Joint Status Conference cannot be waived): _____ Yes X No,

All discovery commenced in time to be completed by July 14, 2023.

Discovery on _____ (issue for early discovery) to be completed by _____.

Maximum of 30 interrogatories by each party to any other party.

Responses due 30 days after service.

Maximum of 15 requests for admission by each party to any other party.

Responses due 30 days after service.

Maximum of 8 depositions by plaintiff(s) and 8 by defendant(s).

Each deposition (other than of _____) limited to maximum of _____ hours unless extended by agreement of parties.

Is there a need for any other special discovery management orders by the court?

_____ Yes X No, Explain:

VII. All parties consent to trial before Magistrate Judge? _____ Yes X No
If yes is marked, you must sign and file a consent form.

VIII. Settlement Plan (Check one)

A. X Settlement Conference Requested after July 14, 2023.

B. _____ Other ADR: (Explain) _____

IX. Do the parties request that the Court hold a scheduling conference? Per Court Order

X Yes _____ No

A conference will be ordered by the Court if the parties have not filed a consent to trial before Magistrate Judge. If a conference is NOT requested or ordered by the Court, the Court will, after receiving this report, issue a scheduling order based on the information contained in this report.

Read and Approved by:

/s/ Terry M. McKeever

S. Alex Yaffe

Terry M. McKeever

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